

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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MAY - 5 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
The Use of N11 Codes and) CC Docket No. 92-105
Other Abbreviated Dialing)
Arrangements)

REPLY OF
THE INTERNATIONAL ASSOCIATION OF FIRE CHIEFS, INC.
AND
THE INTERNATIONAL MUNICIPAL SIGNAL ASSOCIATION
TO THE OPPOSITION OF
AT&T CORPORATION TO THEIR
PETITION FOR RECONSIDERATION

The International Association of Fire Chiefs, Inc.
(IAFC) and the International Municipal Signal Association
(IMSA) hereby submit this Reply to the Opposition of AT&T
Corporation to their Petition for Reconsideration of
portions of the First Report and Order in this proceeding.¹

I. THE PETITION IDENTIFIES LEGAL DEFICIENCIES IN THE ORDER

AT&T, the only party which has opposed IAFC/IMSA's

¹ In the Matter of the Use of N11 Codes and Other
Abbreviated Dialing Arrangements, CC Docket No. 92-105, First
Report and Order and Further Notice of Proposed Rulemaking,
FCC 97-51 (released Feb. 19, 1997) (hereinafter the N11 Order
or Order).

Petition for Reconsideration,² offers no rebuttal to the arguments raised by IMSA and IAFC. Instead, it first misconstrues those arguments and then dismisses them as "simply irrelevant."³

Contrary to AT&T's initial assertion, IAFC's contentions differ from those "aired" in its comments.⁴ The contentions in the Petition relate to fundamental legal failings in the Report and Order itself, including:

- the absence of record support for the Commission's conclusions regarding the anticipated benefits of a 311 assignment;
- the failure to include an explanation of the Commission's reasoning;
- the Commission's failure to respond to major criticisms, particularly from those in the emergency calling systems community, and to explain the bases for rejecting plausible proposed alternatives; and
- other failings, including the shunting of key

² Notably, the Department of Justice, whose petition initiated this action, did not respond to IAFC/IMSA's Petition for Reconsideration.

³ AT&T Comments, April 23, 1997 at 1.

⁴ Id. at 6. AT&T asserts that the Commission "properly considered and rejected" IAFC's contentions. This assertion is at odds with AT&T's recognition that the Order "acknowledg[es] concerns such as those expressed by IAFC, but not[es] that such concerns 'are most appropriately addressed by local governments.'" Id. at fn. 16.

issues - such as funding - to state and local governments, an impermissible reliance on speculation, and internal inconsistency.⁵

These are the very types of failings that have obligated the parties, including AT&T, to request and support clarification. On the very first page of its comments, for example, AT&T observes - as did IAFC in its Petition - that the Order is vague and ambiguous with respect to the obligations of wireless carriers: "the Order does not provide any indication of precisely what obligations the Commission did intend."⁶ Elsewhere, AT&T

⁵ AT&T contends that "in order to facilitate implementation, the Commission . . . must be prepared to provide rapid resolution of any disputes that may arise concerning 311 services, and to rule as quickly as possible on any waiver requests carriers may submit." AT&T Comment at 4. However, these issues presumably also will be shunted to state and local governments. With respect to dispute resolution, for example, the Order provides that: "[w]e find that state public utilities commissions, in conjunction with state and local governments, can address any conflicting requests for use of 311 . . . better than us." N11 Order at ¶ 37.

⁶ AT&T Comments, April 23, 1997, at 1 (emphasis in original). See IAFC/IMSA Petition for Reconsideration, March 28, 1997, footnote 5. The Cellular Telecommunications Industry Association (CTIA) takes exception to the discussion in that Petition regarding wireless carriers and their apparent exclusion from the 311 obligations imposed on wireline carriers. Nonetheless, as AT&T notes, "[a]s the Order now stands, wireless providers plainly are subject to fewer obligations than their wireline counterparts; however, state commissions, local governments and carriers lack sufficient information to discern precisely what requirements properly may be imposed on wireless carriers." AT&T Comments at 3. If, for example, cellular carriers are exempted from an obligation to carry 311 calls for non-subscribers or roamers in the absence of a roaming agreement, then for these callers, access in implementing

notes that "the Commission's order does not provide any specifications as to the types of services localities may request or how they will be funded."⁷

II. PUBLIC INTEREST BENEFITS CANNOT BE PREMISED ON AN UNATTAINABLE AND SPECULATIVE CHARACTERIZATION OF THE SERVICE

IAFC and IMSA did not construe the Order as mandating 311 implementation, as AT&T appears to suggest.⁸ Rather, IMSA and IAFC noted that optional implementation cannot be reconciled with a service that is characterized as providing access from any exchange:

Eventually, the use of a single N11 code nationwide for non-emergency calls will let callers know that they can dial this code from any exchange (to obtain necessary governmental services) without hampering others' access to 911 for emergencies.⁹

IAFC and IMSA also noted that the conclusory statement that

jurisdictions will be dependent upon the carrier's transmission technology, as IMSA and IAFC argued.

⁷ Id. at p. 4. While AT&T's comments focus on the 311 assignment, U.S. West's comments highlight the paucity of the record on 411 issues. U.S. West correctly notes that "the current record provides little insight into the state of current directory assistance services or their geographic scope." U.S. West, Inc.'s Support of Ameritech's Petition for Clarification, April 23, 1997 at 1.

⁸ AT&T Comments at 6.

⁹ N11 Order at ¶ 36 (emphasis added). See Petition at pp. 9-12. Universal coverage - caller access to 311 "from any exchange" - cannot be achieved without mandatory implementation.

311 callers will not hamper others' access to 911 for emergencies is unsupported and in fact runs counter to substantial record evidence.¹⁰

These inaccuracies are critical, in part, because the Commission relies upon this unattainable and speculative characterization to conclude that a 311 assignment provides public interest benefits. This single sentence allows the Commission to discount or disregard the wide range of concerns identified in the IAFC/IMSA Petition.

Interestingly, AT&T's discussion of the Order's public interest findings refers to the Commission's "limited conclusion" regarding "sufficient interest among state and local governments" in establishing a non-emergency N11 code.¹¹ As the Order reveals, however, state and local government representatives voiced substantial opposition to a N11 non-emergency code.¹²

III. AT&T WOULD HAVE THE COMMISSION ACT, THEN EVALUATE

AT&T, which has heavily supported the 311 trial

¹⁰ See, Petition at pp. 9-12.

¹¹ AT&T Comments at 6. AT&T does not include any citation that supports this assertion.

¹² The Order explicitly acknowledges opposition from the Kentucky and Ohio Departments of Transportation, the State of New York Department of Public Service, and The City of Fresno, California Chief of Police. And, of course, organizations such as IAFC, IMSA, and NENA represent state and local governmental officials. It appears that all entities in footnotes 122-130 also may be described as opposing an N11 assignment at this time. Order at ¶¶ 31-34.

currently underway in Baltimore, Maryland, would have the Commission act first, then evaluate and study.¹³ Such a hasty approach contravenes the principles of administrative law and is unsupported by the record. In fact, the Commission's haste is at odds with the record, which contains evidence regarding the likelihood of caller confusion, the threat to existing emergency calling systems, and the substantial technical and financial commitments that 311 implementation demands of both carriers and state and local governments. As AT&T itself recognizes in seeking to delay implementation, "in order to implement 311 service, industry groups must define technical standards, local jurisdictions must adopt funding mechanisms, and public education programs must be designed and implemented."¹⁴ AT&T's approach would place the commercial interests of the system vendor ahead of the interests of the public safety community in assuring the integrity of 911 emergency response services.

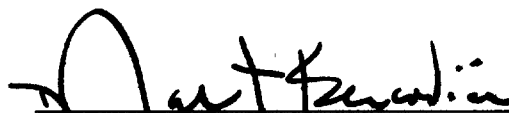
The 311 assignment raises legitimate concerns that the Commission has not addressed. While the Order states that these concerns "are most appropriately addressed by local governments," the Commission impermissibly fails to offer any explanation for this conclusion and its consequent

¹³ AT&T Comments at 6-7.

¹⁴ AT&T Comments at 4.

disregard of substantial record evidence.¹⁵ These concerns, in conjunction with the prospect of preferable alternatives and the significant resources that will be devoted to the implementation of any national non-emergency number, should impel the Commission to "study first and then decide," as IAFC and IMSA urge and the National Emergency Number Association recommends.¹⁶

Respectfully submitted,



Martin W. Bercovici
Susan M. Hafeli
KELLER AND HECKMAN, LLP
1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001
(202) 434-4144

Attorneys for
**THE INTERNATIONAL ASSOCIATION
OF FIRE CHIEFS, INC.**
and
**THE INTERNATIONAL MUNICIPAL
SIGNAL ASSOCIATION**

Dated: May 5, 1997

¹⁵ N11 Order at ¶ 39. See also, AT&T Comments at 6, fn 16.

¹⁶ Comments of the National Emergency Number Association, April 23, 1997 (NENA Comments) at 2. NENA agrees with IAFC and IMSA that "the FCC's decision pays insufficient attention to alternatives for non-emergency calls and to the risks of confusion with 9-1-1 emergency calling." Id. at 1. NENA also notes that the North American Numbering Council (NANC), which has been directed to study and report back to the Commission on alternate abbreviated dialing arrangements, may identify alternate dialing arrangements that "provide greater benefits and fewer disadvantages than the chosen 311 scheme." Id. at 2.

CERTIFICATE OF SERVICE

I, Cassandra Hall, hereby certify that on this 5th day of May, 1997, copies of the foregoing Reply of the International Association of Fire Chiefs, Inc. and the International Municipal Signal Association to the Opposition of the AT&T Corporation to Their Petition For Reconsideration were served on the parties below:

By Hand Delivery:

Mr. William Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

Elizabeth Nightingale
Common Carrier Bureau
Network Services Division
Federal Communications Commission
2000 M Street, N.W.
Room 210-K
Washington, D.C. 20554

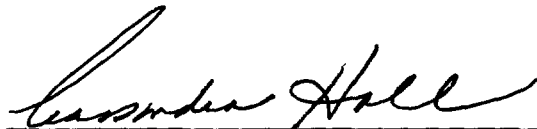
International Transcription Service
1919 M Street, N.W.
Room 246
Washington, D.C. 20554

By First Class Mail, U.S. postage prepaid:

James H. Bolin, Jr.
Mark C. Rosenblum
Peter H. Jacoby
AT&T Corporation
295 North Maple Avenue
Room 3247H3
Basking Ridge, NY 07920

Wendy Chow
Michael F. Altschul
Randall S. Coleman
Cellular Telecommunications Industry Association
1250 Connecticut Avenue, N.W.
Suite 200
Washington, D.C. 20036

Mr. James R. Hobson
Donelan, Cleary, Wood & Maser, P.C.
1100 New York Avenue, N.W.
Suite 750
Washington, D.C. 20005-3934


Cassandra Hall

May 5, 1997